PATENT   MS150960.01/MSFTP116US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Quention J. Clark, *et al.*   Examiner: Thanh T. Vu

Serial No: 09/606,383   Art Unit: 2174

Filing Date: June 28, 2000

Title: USER INTERFACE TO DISPLAY AND MANAGE AN ENTITY AND
ASSOCIATED RESOURCES

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicants' representative submits this brief in connection with an appeal of the
above-identified patent application. A credit card payment form is filed concurrently
herewith in connection with all fees due regarding this appeal brief. In the event any
additional fees may be due and/or are not covered by the credit card, the Commissioner is
authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP116US].

I. **Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))**

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. **Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))**

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. **Status of Claims (37 C.F.R. §41.37(c)(1)(iii))**

Claims 49-75 have been withdrawn. Claims 1-48 stand rejected by the Examiner. The rejection of claims 1-48 is being appealed.

IV. **Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))**

No amendments have been filed subsequent to final rejection.

V. **Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**

A. **Independent Claim 1**

Independent claim 1 relates to a user interface to display and manage a plurality of entities as if a single entity. (*See e.g.,* p. 3, line 15 – p. 5, line 19, p. 7, line 4 – p. 9, line 5, Fig. 1, reference designator 40, p. 10, line 16, Fig. 3a, and, reference designator 80e). The user interface includes a representation of a collection of members as a single entity. (*See e.g.,* p. 4, lines 5-15, p. 8, lines 27-28, Fig. 1, reference designator 40, Fig. 4a, and, reference designator 90b). The user interface further includes an individual representation of each member associated with the entity. (*See e.g.,* p. 3, lines 22-23, p. 4, lines 5-18, p. 9, lines 6-8, p. 11, lines 24-27, Fig. 4a, reference designator 90c, reference designator 90d, p. 17, lines 15-16). The user interface further provides if an action is performed on the representation of the collection of members, then the action is propagated to the collection of members, if the action is performed on the representation

of the member associated with the entity, then the action is directed to the member. (*See e.g.*, p. 3, line 15 – p. 5, line 19, p. 7, line 4 – p. 9, line 18, Fig. 1, reference designator 40, p. 11, line 1 – p. 12, line 1, Figs 4a and 4b, p. 13, line 13 – p. 14, line 27, Fig. 5).

VI.   Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A.   Claims 1-5, 7, 9-21, 23-25, and 31-48 stand rejected as being unpatentable under 35 U.S.C. §102(e) over Chin, *et al.* (U.S. 6,456,306).

B.   Claims 6 and 8 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Chin, *et al.* in view of Richardson (U.S. 6,271,845).

C.   Claims 22 and 26 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Chin, *et al.* in view of Manghirmalani, *et al.* (U.S. 5,819,028).

D.   Claims 27-30 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Chin, *et al.* in view of Bradley, *et al.* (U.S. 6,584,507).

VII.   Argument (37 C.F.R. §41.37(c)(1)(vii))

A.   Rejection of Claims 1-5, 7, 9-21, 23-25, and 31-48 Under 35 U.S.C. §102(e)

Claims 1-5, 7, 9-21, 23-25, and 31-48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chin, *et al.* (U.S. 6,456,306). Reversal of this rejection is respectfully requested for at least the following reasons. Chin *et al.* fails to teach or suggest each and every limitation set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the … claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The subject application is directed to a user interface to display and manage an entity and associated resources. (p. 1, lines 4 and 5). Independent claim 1 recites limitations of: "a representation of a collection of members as a single entity; and an individual representation of each member associated with the entity; *wherein if an action is performed on the representation of the collection of members, then the action is propagated to the collection of members*, if the action is performed on the representation of the member associated with the entity, then the action is directed to the member." (Emphasis added). Thus, the present invention facilitates "actions to be performed on representations of the entities as a whole and/or on representations of members associated with the entity individually." (p. 3, lines 22, 23). Chin *et al.* does not teach or suggest such features of applicants' claimed invention.

Rather, Chin *et al.* is directed to "[a] method and apparatus for concurrently displaying from a single window on a network management station the health status of all network devices and objects of a computer network." (Abstract). Chin *et al.* "uses colored network device icons (*e.g.,* 601-603) and status panes (610-650) to report the current operational state of the devices in the network or within a selected network site." (Col. 6, lines 49-52). Applicants' representative respectfully submits that Chin *et al.* does not teach, disclose or suggest *performing an action on a representation of a collection of members which results in the action being propagated to the members of the collection* as recited in independent claim 1 of the subject application.

In the Final Office Action mailed June 14, 2004, the Examiner asserts:

> Chin teaches where if an action is performed on the representation of the collection of members, then the action propagated to the collection of members (figs. 3 and 6, the collection of members: site pane 310 or resource pane 320; See col. 2, lines 27-44; col. 9, lines 29-31, lines 34-37 and lines 43-46), if the action is performed on the representation of the member associated with the entity, then the action is directed to the member (figs. 3 and 6; the member associated with the entity: content pane 330; *See* col. 2, lines 27-44; col. 9, lines 34-37).

Applicants' representative respectfully submits that the figures and sections of Chin *et al.* relied upon by the Examiner do not teach, disclose or suggest the

aforementioned limitation of claim 1. It is readily apparent that the reliance upon Chin *et al.* is misplaced. The figures and sections of the cited section(s) of this reference relate to allowing "the network manager to quickly navigate <u>to a particular network device or object</u> according to device type to initiate configuration, performance, fault, and security management tasks". Col. 2, lines 41-44 (emphasis added). Chin *et al.* further provides for adding new network objects to be <u>monitored</u>. Col. 9, lines 24-26 (emphasis added). While Chin *et al.* discloses viewing members of a collection (Figs. 3 and 6), it does not disclose *propagating an action to a collection of members if an action is performed on a representation of the collection of members* as in the claimed invention.

In view of at least the above, it is clear that Chin, *et al.* neither anticipates nor suggests the subject invention as recited in independent claim 1 (and claims 2-5, 7, 9-21, 23-25, and 31-48 which depend there from). Accordingly, this rejection should be reversed.

B.   Rejection of Claims 6 and 8 Under 35 U.S.C. §103(a)

Claims 6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chin, *et al.* in view of Richardson (U.S. 6,271,845). Reversal of this rejection is requested for at least the following reasons.

The combination of Chin *et al.* and Richardson does not make obvious applicants' invention as recited in the subject claims - the references if combined as suggested in the Office Action would not result in the invention as claimed.

> It is essential to consider all elements of the claimed invention; it is impermissible to compare the prior art with what the viewer interprets the "gist" of the invention to be *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991); *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 221 USPQ 669 (Fed. Cir. 1984); *Jones v. Hardy*, 727 F.2d 1524, 1527-28, 220 USPQ 1021m 1024 (Fed. Cir. 1984).

The subject claims respectively depend from claim 1; and as noted *supra* Chin *et al.* does not teach or disclose the limitation of propagation of an action to a collection of members based on an action performed on the representation of the collection of

members, as recited in independent claim 1. Richardson does not make up for the deficiencies of Chin *et al.* with respect to this claim.

In view of at least the foregoing, it is readily apparent that the combination of Chin, *et al.* and Richardson does not teach, suggest and/or make obvious the subject invention as recited in claims 6 and 8. This rejection should be reversed.

C.   Rejection of Claims 22 and 26 Under 35 U.S.C. §103(a)

Claims 22 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chin, *et al.* in view of Manghirmalani, *et al.* ("Manghirmalani," U.S. 5,819,028). Reversal of the rejection of these claims is respectfully requested for at least the following reasons.

As noted above, applicants' representative respectfully submits that Chin *et al.* does not teach or disclose the limitation of propagation of an action to a collection of members based on an action performed on the representation of the collection of members, as recited in independent claim 1 of the subject application. Manghirmalani *et al.* does not make up for this deficiency.

In view of at least the above, it is submitted that the combination of Chin, *et al.* and Manghirmalani *et al.* does not teach, suggest and/or make obvious the subject invention as recited in claims 22 and 26 (which depend from claim 1). Accordingly, this rejection should be reversed.

D.   Rejection of Claims 27-30 Under 35 U.S.C. §103(a)

Claims 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chin, *et al.* in view of Bradley, *et al.* (U.S. 6,584,507). Applicants respectfully request that reversal of the rejection for these claims for at least the following reasons.

The combination of Chin *et al.* and Bradley *et al.* does not make obvious the subject invention as recited in claims 27 – 30. The references if combined as suggested by the Examiner would not result in the invention as claimed.

As noted *supra*, Chin *et al.* does not teach or disclose the limitation of *propagation of an action to a collection of members based on an action performed on the representation of the collection of members*, as recited in independent claim 1 of the

subject application from which the subject claims depend. Bradley *et al.* does not make up for the aforementioned deficiencies of the primary reference with respect to claim 1.
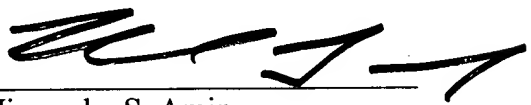
Accordingly, the combination of Chin, *et al.* and Bradley *et al.* does not teach, suggest and/or make obvious the subject invention as recited in claims 27 – 30 (which depend from claim 1); and this rejection should be reversed.

E. **Conclusion**

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-48 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Reference No. MSFTP116US).

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1.   A user interface to display and manage a plurality of entities as if a single entity, comprising:

a representation of a collection of members as a single entity; and

an individual representation of each member associated with the entity;

wherein if an action is performed on the representation of the collection of members, then the action is propagated to the collection of members, if the action is performed on the representation of the member associated with the entity, then the action is directed to the member.

2.   The user interface of claim 1 depicting a plurality of resources that are at least one of sent to the collection as a whole and sent to the members.

3.   The user interface of claim 1 depicting a plurality of resources to at least one of deploy to a different entity, deploy to a member of a different entity, deploy to a member of the same entity, and deploy from a member of the same entity to the entity itself.

4.   The user interface of claim 3 wherein a user is enabled to at least one of deploy to a different entity, deploy to a member of a different entity, deploy to a member of the same entity, and deploy from a member of the same entity to the entity itself.

5.   The user interface of claim 1 wherein a plurality of display objects is a representation of the members of the entities as a whole.

6.   The user interface of claim 5 wherein the display objects represent at least one of a machine or cluster.

7.   The user interface of claim 1 wherein the members are depicted by individual display objects.

8.   The user interface of claim 7 wherein the display objects depict at least one of machines, computers, and entities further comprising individual machines.

9.   The user interface of claim 1 providing a performance view of a plurality of resources on the collection of members as a whole.

10.   The user interface of claim 9 providing a performance view of the plurality of resources associated with the member.

11.   The user interface of claim 1 providing an events view of a plurality of resources on the collection of members as a whole.

12.   - The user interface of claim 11 providing an events view of the plurality of resources associated with the member.

13.   The user interface of claim 1 providing a monitor view of a plurality of resources on the collection of members as a whole.

14.   The user interface of claim 13 providing a monitor view of the plurality of resources associated with the member.

15.   The user interface of claim 1 providing a status of a plurality of resources on the collection of entities as a whole.

16.   The user interface of claim 15 providing a status of the plurality of resources associated with the member.

17.   The user interface of claim 1 operative to facilitate a user interfacing the entity from an entity not associated with the entity as a whole.

18.   The user interface of claim 1, wherein display objects serve as an interface for at least one of creating the entity, adding members to the entity, and deploying content across the entity.

19.   The user interface of claim 1 providing an aggregated display of performance of the entity as a whole.

20.   The user interface of claim 19, wherein display objects provide an aggregated status of the entity as a whole.

21.   The user interface of claim 20, the status including at least one of on-line status and synchronization status.

22.   The user interface of claim 20, wherein display objects provide for time adjustment of the performance display.

23.   The user interface of claim 1 providing a display of performance for a member of the entity.

24.   The user interface of claim 23, wherein display objects provide status for a member of the entity.

25.   The user interface of claim 24, the status including at least one of on-line status and synchronization status.

26.   The user interface of claim 23, wherein display objects provide for time adjustment of the performance display.

27.   The user interface of claim 1 providing a display of applications for the entity.

28.   The user interface of claim 27, wherein display objects enable the user to at least one of create applications, delete applications, rename applications, and synchronize applications throughout the entity.

29.   The user interface of claim 27, providing a display of resources within the applications.

30.   The user interface of claim 29, wherein display objects enable the user to add and remove resources from applications.

31.   The user interface of claim 1 providing a display of events for the entity.

32.   The user interface of claim 31 wherein the display provides at least one of a date, time, server name, source for the event, event id, and description for the event.

33.   The user interface of claim 31 wherein display objects enable the user to filter an event log to at least one of select a product type, select an event type, select an event id.

34.   The user interface of claim 31 providing a display of events for members within the entity, wherein the events are related to at least one of applications, monitors, performance, and resources.

35.   The user interface of claim 34 wherein the display provides at least one of a date, time, server name, source for the event, event id, and description for the event.

36.　　The user interface of claim 21 wherein display objects enable the user to at least one of select an event source, select an event type, select an event id, and filter a collection of events.

37.　　The user interface of claim 1 providing a display to monitor performance of the entity.

38.　　The user interface of claim 37 wherein display objects enable the user to at least one of edit monitors, disable monitors, and check monitor status.

39.　　The user interface of claim 38 wherein the display provides status of the monitors.

40.　　The user interface of claim 39 wherein the status is displayed with at least one of a date, name, time, threshold, and value.

41.　　The user interface of claim 1 providing a display to monitor performance of members associated with the entity.

42.　　The user interface of claim 41 wherein display objects enable the user to at least one of edit monitors, disable monitors, and check monitor status.

43.　　The user interface of claim 42 wherein the display provides status of the monitors.

44.　　The user interface of claim 43 wherein the status is displayed with at least one of a date, name, time, threshold, and value.

45.　　The user interface of claim 1, wherein a display object is a collection of members forming the entity.

46.   The user interface of claim 1, wherein the display object represents a member within the entity.

47.   The user interface of claim 1, wherein the display object represents at least one of applications, monitors, and performance for the entity.

48.   The user interface of claim 1, wherein the display object represents at least one of events and monitors for members associated with the entity.

49 - 75. Withdrawn.

IX.   Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X.   Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.